

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:12-CR-00455-HDM-PAL
2:15-CV-01661-HDM

V

Plaintiff.

ORDER

CHARLES BO MUMPHREY,

Defendant.

Before the court is defendant's motion for reconsideration (ECF No. 181) of this court's order (ECF No. 177) denying defendant's motion to vacate, set aside, or correct criminal conviction and sentence pursuant to 28 U.S.C. § 2255.

Motions for reconsideration are not expressly authorized in the Federal Rules of Civil Procedure, but district courts may grant them under Rule 59(e). See *Sch. Dist. No. 1J, Multnomah Cnty. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). Reconsideration is only warranted when: (1) the movant presents newly discovered evidence, (2) the district court committed clear error or the initial ruling was manifestly unjust, or (3) there is an intervening change in controlling law. *Id.* (citing *All Haw. Tours, Corp. v. Polynesian Cultural Ctr.*, 116 F.R.D. 645, 648 (D. Haw. 1987)). Although reconsideration may also be warranted under other highly unusual circumstances, it is well recognized as an “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2007) (quoting 12 James Wm. Moore et al., *Moore's Federal Practice* § 59.30[4] (3d ed. 2000)).

1 After carefully reviewing defendant's motion for reconsideration, the court
2 determines that good cause does not exist for reconsideration of defendant's motion to
3 vacate, set aside, or correct criminal conviction and sentence pursuant to 28 U.S.C. §
4 2255. Therefore, defendant's motion for reconsideration (ECF No. 181) is DENIED.

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6 || IT IS SO ORDERED.

7 DATED THIS 23rd day of August, 2018.

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Howard D McFadden

**HOWARD D. MCKIBBEN,
UNITED STATES DISTRICT JUDGE**

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